REMARKS

This paper is in response to the Office Action of July 18, 2005. Please enter the following remarks. Replacement sheets for Figures 1 and 2 are enclosed herewith, noting the prior art label.

The Applicant has reviewed the Office Action and the Examiner's reasons for rejections.

Claims 1-2, 4-7, 9-12, 14-17 and 19-20 were rejected under 35 USC § 103(a), as being obvious over Applicant's Admitted Prior Art (AAPA) and the disclosure of U.S. Published Application (US 2002/0059451 A1) ("Haviv").

Haviv's teachings have once again been revisited by the Applicants, in order to carefully reconsider the Examiner's comments. It is respectfully submitted that the Examiner is using the teachings of the present invention to reconstruct the invention, without supplying or pointing to teachings of Haviv that would suggest the now claimed invention. The disclosure in the background, which the Examiner refers to AAPA, does not suggest the invention, or teach the resulting features that are currently claimed, including the unifying layer.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one having ordinary skill in the art, to combine the references. Additionally, the references when combined must teach or suggest all the claim limitations. As discussed below, the Office has not established a *prima facie* case of obviousness because there is neither suggestion nor motivation, in either the references or in the knowledge of one having ordinary skill in the art at the time of the invention, to have combined the references in the manner proposed. Furthermore, the references when combined do not teach or suggest all of the claim limitations.

Haviv is concerned with content-based filtering and load balancing. Thus, to formulate a proper obviousness rejection, one skilled in the art should be provided with the *motivation* to combine the teachings of Haviv with the teachings of AAPA. In this action, the

Examiner pointed to paragraphs 0019, 0043, and 0044 of Haviv. To give these paragraphs context, the Applicants have reviewed the entire disclosure of Haviv. For ease of reference, the Examiner cited the following in the Office Action, as the primary motivation that would have suggested each element of the claimed invention to one of ordinary skill in the art.

> [0019] System 10 **may** be implemented in an RDMA network environment using protocols such as, for example, socket direct protocol (SDP), direct access file system (DAFS), and SCSI RDMA protocol (SRP) over technologies such as, for example VI and Infiniband. System 10 **may** also be implemented in a standard TCP/IP network environment by expanding TCP/IP protocols to support RDMA.
>
> System 10 **may** integrate a lightweight software implementation that **may** provide the functionality of RDMA **without** using special hardware on top of existing networks. For example, implementing a **kernel software element** that may receive RDMA requests and may emulate the RDMA operation (moving memory blocks to and from the requestor) without involving the higher-level layers and/or the application.

Now, reading the above section, as cited by the Examiner, with only the teachings of the AAPA in mind, it submitted that "motivation" to arrive at the claimed invention is lacking. Paragraph 19 does not discuss that an RPC call is communicated over RDMA. In fact, if read on its face, paragraph 19 is suggesting to use *TCP/IP protocols* to support *RDMA*. As noted from the structure of the unifying layer, as claimed, a first component will convert an RPC call to a RDMA format message, and a second component will communicate the RDMA formatted message to an implementation of RDMA. Paragraph 19 provides no suggestion of these claimed operations. Paragraph 19 also refers to a lightweight software implementation that may provide the functionality of RDMA without using special hardware on top of existing networks. Even if a lightweight software implementation were suggested, which can provide functionality of RDMA, there is still no teaching or suggestion to perform the functions of the claimed first and second components of the unifying layer. In fact, taking this statement on its face, the kernel software element is *receiving RDMA requests*. The unifying layer is receiving an RPC call, and then the first component will convert an RPC call to a RDMA format message. The claims recite converting the RPC call to an RDMA format message, not the emulation of an RDMA operation. One skilled in the art would understand that an emulated RDMA operation is different than actually processing an RDMA format message.

And, the mention of a kernel software element, must be understood in light of the context provided by Haviv. Haviv discusses a kernel agent in reference to Figure 3. Also, Haviv discloses "kernel agent 38" in paragraph 0042. Notice that the term "kernel agent"

must refer to software elements of a kernel system that initializes the hardware elements of the kernel system. Using the definition of Haviv, the Applicants submit that it is not possible to extend the teachings of kernel software element to the claimed features of the unifying layer.

Even if paragraph 0019 of Haviv is read broadly, the Applicants submit that each of the functional components of the unifying layer are not suggested. Specifically:

> Where is it suggested to include a first component for ***converting*** said Remote Procedure Call to a Remote Direct Memory Access formatted message?
>
> Where is it suggested to include a second component for ***communicating*** said Remote Direct Memory Access formatted message to a particular transport layer Remote Direct Memory Access implementation?

It is again noted by way of Haviv's description and Fig. 3 that such communication will require special modification of an Application 32, Application Interface 34, Kernel Agent 38 and Communication Hardware 36. Haviv is very specific that such modification is needed in the Application interface 34. Haviv states in 0045 that the "Application Interface 34 may be embedded between layers of a standard network." This embedding will cause modification of the standard layers. Still further, Haviv states that "... application interface 34 may replace the standard application and/or session network layers of the OSI model." And still again, Haviv states that "[a]pplication interface 34 may replace the socket application programming interface (API). These modifications, as is well know to those skilled in the art, will occur at the application layer and API layer.

In contrast, with reference to Figure 4 and 5 of the present invention, the claims as amended make it clear that the unifying layer is at a level that isolates upper layers, such as the application layer, Network File System and RPC calls from modification.

In view of the above comments, the Examiner is kindly requested to reconsider the holding of this final office action. As pointed out above, the description of Haviv and the AAPA, which was noted on page 7 of the Office Action, fails to teach, suggest or provide proper motivation to one skilled in the art to arrive at the claimed features of the present invention. Accordingly, the Applicants respectfully request the Examiner to withdraw the Section 103 rejection.

A Notice of Allowance is respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No SUNMP430). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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